Please write clearly in block capitals.

Centre number | | | | | | Candidate number | | | | |

Surname _____

Forename(s) _____

Candidate signature _____
I declare this is my own work.

A-level
LAW

Paper 3B Human Rights

Time allowed: 2 hours

Materials
- You will need no other materials.

Instructions
- Use black ink or black ball-point pen.
- Fill in the boxes at the top of this page.
- Answer **all** questions. You must answer the questions in the spaces provided. Do **not** write on blank pages.
- If you need extra space for your answer(s), use the lined pages at the end of this book. Write the question number against your answer(s).
- Do all rough work in this book. Cross through any work you do not want to be marked.
- Questions should be answered in continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Information
- The marks for questions are shown in brackets.
- The maximum mark for this paper is 100.

For Examiner's Use	
Question	Mark
1–5	
6	
7	
8	
9	
10	
11	
TOTAL	

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Answer **all** questions in the spaces provided.

Only **one** answer per question is allowed.

For each question completely fill in the circle alongside the appropriate answer.

CORRECT METHOD WRONG METHODS

If you want to change your answer you must cross out your original answer as shown.

If you wish to return to an answer previously crossed out, ring the answer you now wish to select as shown.

0 1 Select the **false** statement about the European Convention on Human Rights.

[1 mark]

A Most of the rights which the Convention guarantees are subject to exceptions.

B The European Court of Human Rights has generally interpreted Convention obligations very restrictively.

C The obligations that the Convention imposes are aimed primarily at States rather than at individuals.

D There is a greater 'margin of appreciation' in areas of law where there are significant cultural differences amongst States.

0 2 Select the **true** statement about the effect on English law and the English legal system of the European Convention on Human Rights.

[1 mark]

A A claimant in England can always take a claim directly to the European Court of Human Rights without first bringing the claim in an English court.

B An English court cannot apply a provision of a statute that is incompatible with the Convention.

C An excessively large award of damages by a court may violate the right to freedom of expression under Article 10 of the Convention.

D Damages may be awarded against a judge who makes a decision which is not in conformity with provisions of the Convention.

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0 3 Select the **false** statement about the rule of law.

[1 mark]

A As far as possible, the law should apply equally to all citizens. ⬭

B Citizens should be given as much access to the courts as is necessary. ⬭

C Public officials should be given maximum freedom to make decisions affecting the legal rights of citizens. ⬭

D The law should be written in language which is clear and accurate. ⬭

0 4 Select the **true** statement about the independence of the judiciary.

[1 mark]

A High Court judges should take advice from a government minister when interpreting a statute. ⬭

B Judges cannot be prosecuted for committing criminal offences. ⬭

C Judges in superior courts cannot easily be removed from office. ⬭

D Judicial independence is not considered to be important for judges in lower courts. ⬭

0 5 Select the **false** statement about delegated legislation.

[1 mark]

A It can be introduced to deal with emergency situations. ⬭

B It is generally well-publicised. ⬭

C It often saves time in law-making. ⬭

D It permits contributions from experts. ⬭

5

Turn over for the next question

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0 6 Explain **two** characteristics of the common law as a source of law and provide an example to illustrate **one** of those characteristics.

[5 marks]

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0 7 Ava, Brett and Cian staged a peaceful demonstration against a plan to open a 'fast food' shop in a residential area. Residents reacted angrily to the demonstration, creating a threat of violence and disorder. The police stopped the demonstration on grounds of breach of the peace.

Suggest why, despite the threat of violence and disorder, the action by the police was probably a violation of the rights of Ava, Brett and Cian under Article 11 of the ECHR (the right to freedom of assembly and association).

[5 marks]

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0 8

Dora was 75 years old and in poor health. She had been subjected to many incidents of verbal abuse and damage to her house and garden by a group of youths. She reported these incidents to the police on several occasions and expressed her fears that she might be subjected to more serious harm. The police made brief enquiries on two occasions but were unable to identify the youths and made no further efforts to do so. Subsequently, the youths broke windows in Dora's house and set her garden fence on fire. As a result, Dora suffered a heart attack and was seriously ill for some weeks.

With regard to Article 2 of the ECHR (the right to life), advise Dora of her rights and remedies against the police under the Human Rights Act 1998 ss 6–8.

[10 marks]

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In Question **09** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

0 9 Examine the suggestion that the law has an important role to play in balancing conflicting interests. Discuss the extent to which this role is evident in the context of human rights.

[15 marks]

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15

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In Question **10** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 0

Hakeem was a famous campaigner on consumer rights, criticising companies and individuals for fraudulent practices. However, following anonymous complaints to the police about him, the police began an investigation into suspected fraud by Hakeem himself.

Julian, an investigative journalist, received a tip-off from within the investigating police force. He was told that there would be a police raid on Hakeem's house at 5 am next day to arrest Hakeem and to search for and remove evidence. Julian went to Hakeem's house. He was able to photograph the raid, the arrest of Hakeem for questioning, and items being taken away.

Julian published a headline story the day after in a national newspaper, 'The Tempest', which included the photographs. When Hakeem was released pending further enquiries, his house was continually surrounded by journalists and members of the public. He was followed about and minor scuffles and violence occurred. However, the police refused to intervene to help him. Hakeem vigorously protested his innocence, but he was suspended from his well-paid job as a TV presenter. He also lost book contracts.

Taking a human rights perspective, consider the application of English law and the European Convention on Human Rights to the incidents described.

[30 marks]

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In Question **11** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 1 On a busy Saturday afternoon at a theme park, several robberies and other violent incidents were reported. The reports were confused, but responsibility for the incidents was commonly attributed to a group of about six males and four females, estimated to be aged in their mid-20s. Many police officers attended. They ordered the closure of all rides and attractions, except for refreshments, and closed off all entrances and exits. Everyone was then instructed to form queues and to leave via two designated exits. Police officers carried out body and property searches of many visitors, though nothing was found.

The average time for a visitor to be allowed to leave was around two hours but some had to spend over three hours in the queue. One such person, Luca, who was 45 years old, was subjected to a very thorough search, despite his protests that he was present with family members at a birthday celebration. Kelsey, Luca's wife, was arrested for obstructing a police constable when she objected loudly to Luca's treatment. She was then held for a further hour in a police vehicle before being released without charge.

Taking a human rights perspective, consider the application of English law and the European Convention on Human Rights to the incidents described.

Assess the extent to which justice may have been achieved by application of the law to the incidents considered above.

[30 marks]

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END OF QUESTIONS

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